In the United States District Court for the Southern District of Georgia Brunswick Division

JOEL E. PRICE and RUSSELL E. PRICE, individually and on

behalf of all similarly situated individuals,

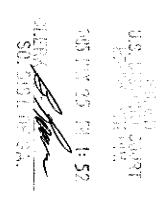
Plaintiffs,

v

COUNTRYWIDE FINANCIAL CORPORATION; LANDSAFE, INC.; and COUNTRYWIDE HOME LOANS, INC.,

Defendants.

CIVIL ACTION



NO. CV205-015

ORDER

Presently before the Court is Defendants' motion to dismiss Plaintiffs' complaint for failure to state a claim upon which relief can be granted and for improper venue. On May 10, 2005, Plaintiffs filed an amended complaint.

Federal Rule of Civil Procedure 15(a) provides, in pertinent part, that "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served[.]" A motion to dismiss is not a responsive

pleading. Fed. R. Civ. P. 7(a); Washington v. James, 782 F.2d 1134, 1138-39 (2d Cir. 1986). Consequently, Defendants' motion is **DISMISSED** as moot. so ordered, this ______ day of May, 2005.

JUDGE, UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA